

Introduced by Senator Poochigian
(Principal coauthor: Assembly Member Mazzoni)

February 23, 1999

An act to amend Sections 60640 and 60643 of the Education Code, relating to pupil testing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as introduced, Poochigian. Standardized Testing and Reporting Program: reading list.

Existing law, the Leroy Greene California Assessment of Academic Achievement Act, establishes the Standardized Testing and Reporting Program, to be known as the STAR Program. The act requires the State Board of Education to require the State Department of Education to notify publishers of the opportunity to submit, for consideration by the State Board of Education, tests of achievement that include certain basic skills and core curriculum areas. Existing law requires test publishers, to be eligible for consideration under those provisions, to agree in writing each year to certain requirements, including, among others, providing pupil scores to parents or guardians, teachers, and school administrators.

This bill would also require test publishers, to be eligible for consideration under those provisions, commencing in the 1998–1999 school year, and each year thereafter, to make available, for purchase by school districts, a customized reading list for each individual pupil in grades 2 to 11, inclusive, at the same time that test scores are reported to the

parent or guardian under the provisions of the STAR Program. The bill would require this customized reading list to include titles of literature that will allow the pupil to practice reading at his or her current reading level and that will assist the pupil in achieving a higher level of reading proficiency. The bill would also require any title included in the customized list to meet certain requirements concerning the use of instructional materials. The bill would also require the list of titles to be made available on the Internet with an index that correlates reading scores on the STAR test to titles on the reading list that would be suitable for pupils in each of grades 2 to 11, inclusive.

The bill would require the Superintendent of Public Instruction to apportion funds to enable school districts to purchase the customized reading list made available pursuant to those provisions, in an amount not to exceed \$0.50 per pupil.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) It is imperative that reading skills among
4 California's pupils be improved.

5 (b) The English/Language Arts framework and the
6 content standards adopted by the State Board of
7 Education pursuant to Section 60605 of the Education
8 Code, serve as the basis for a complete reading program
9 that includes the foundational skills of phonemic
10 awareness and phonics, as well, as reading
11 comprehension and literature appreciation.

12 (c) Research on the teaching of reading demonstrates
13 that providing all children with appropriate literacy and
14 reading experiences is likely to set the stage for successful
15 reading and academic achievement in later years.

16 (d) Effective reading instruction involves a
17 combination of explicit instruction in word recognition



1 skills and reading comprehension strategies with
2 opportunities to apply and practice these skills in
3 literature.

4 (e) Practice in the skills being taught will provide
5 opportunities for California's pupils to improve their
6 reading comprehension, appreciate quality literature,
7 and achieve the English/Language Arts academic
8 content standards for kindergarten and grades 1 to 12,
9 inclusive.

10 SEC. 2. Section 60640 of the Education Code is
11 amended to read:

12 60640. (a) There is hereby established the
13 Standardized Testing and Reporting Program, to be
14 known as the STAR Program.

15 (b) Commencing in the 1997–98 fiscal year and each
16 fiscal year thereafter, and from the funds available for
17 that purpose, each school district, charter school, and
18 county office of education shall administer to each of its
19 pupils in grades 2 to 11, inclusive, before May 15, the
20 achievement test designated by the State Board of
21 Education pursuant to Section 60642.

22 (c) The publisher and the school district shall provide
23 two makeup days for the testing of previously absent
24 pupils no later than May 25.

25 (d) The governing board of the school district may
26 administer achievement tests in kindergarten, and grade
27 1 or 12, or both, as it deems appropriate.

28 (e) Individuals with exceptional needs who have an
29 explicit provision in their individualized education
30 program that exempts them from the testing
31 requirement of subdivision (b) shall be so exempt.

32 (f) At the school district's option, pupils of limited
33 English proficiency who are enrolled in any of grades 2 to
34 11, inclusive, may take a second achievement test in their
35 primary language. Primary language tests administered
36 pursuant to this subdivision and subdivision (g) shall be
37 subject to the requirements of subdivisions (b), (c), (d),
38 and (e) of Section 60641. These primary language tests
39 shall produce individual pupil scores that are valid and
40 reliable. Notwithstanding any other provision of law, the

1 State Board of Education shall designate for use, as part
2 of this program, a single primary language test in each
3 language for which such a test is available for grades 2 to
4 11, inclusive, no later than November 14, 1998, pursuant
5 to the process used for designation of the assessment
6 chosen in the 1997–98 fiscal year, as specified in Section
7 60642 and 60643, as applicable.

8 (g) In addition to the test required by subdivision (b),
9 pupils of limited English proficiency who are enrolled in
10 any of grades 2 to 11, inclusive, shall be required to take
11 a test in their primary language if such a test is available,
12 if less than 12 months have elapsed after their initial
13 enrollment in any public school in the state.

14 (h) The Superintendent of Public Instruction shall
15 apportion funds to enable school districts to meet the
16 requirements of subdivisions (b), (f), and (g). The State
17 Board of Education shall establish the amount of funding
18 to be apportioned. The amount to be apportioned shall be
19 up to eight dollars (\$8) per test administered to a pupil
20 in grades 2 to 11, inclusive.

21 (i) *In addition to the amount apportioned pursuant to*
22 *subdivision (h), the Superintendent of Public Instruction*
23 *shall apportion funds to enable school districts to*
24 *purchase the customized reading list made available*
25 *pursuant to paragraph (9) of subdivision (a) of Section*
26 *60643, in an amount not to exceed fifty cents (\$0.50) per*
27 *pupil.*

28 (j) For the purposes of making the computations
29 required by Section 8 of Article XVI of the California
30 Constitution, the appropriation for the apportionments
31 made pursuant to ~~subdivision (g)~~ subdivisions (h) and (i)
32 shall be deemed to be “General Fund revenues
33 appropriated for school districts,” as defined in
34 subdivision (c) of Section 41202 of the Education Code,
35 for the applicable fiscal year, and included within the
36 “total allocations to school districts and community
37 college districts from General Fund proceeds of taxes
38 appropriated pursuant to Article XIII B,” as defined in
39 subdivision (e) of Section 41202 of the Education Code,
40 for that fiscal year.

~~(j)~~—

(k) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test pursuant to subdivision (e) of Section 60640.

(4) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

SEC. 3. Section 60643 of the Education Code is amended to read:

60643. (a) To be eligible for consideration under Section 60642 by the State Board of Education, test publishers shall agree in writing each year to meet the following requirements, if selected:

(1) Post a performance bond in an amount to be determined by the State Board of Education.

(2) Enter into a standard agreement with all school districts in the state that includes a payment schedule and conditions prescribed by the State Board of Education.

(3) Align the achievement test to the academically rigorous content and performance standards adopted by the State Board of Education.

(4) Comply with subdivisions (c) and (d) of Section 60645.

(5) Provide individual pupil scores to parents or guardians, teachers, and school administrators.

(6) Provide aggregate scores to teachers, administrators, governing boards of school districts, county boards of education, and the State Department of Education in all of the following forms and formats:

(A) Grade level.

(B) School level.

(C) District level.

1 (D) Countywide.

2 (E) Statewide.

3 (F) Comparison of statewide scores relative to other
4 states.

5 (7) Provide disaggregated scores, based on
6 limited-English-proficient status and
7 non-limited-English-proficient status. For purposes of
8 this section, pupils with “non-limited-English-proficient
9 status” shall include the total of those pupils who are
10 English-only pupils, fluent-English proficient pupils, and
11 redesignated fluent-English proficient pupils. These
12 scores shall be provided to teachers, administrators,
13 governing boards of school districts, county boards of
14 education, and the State Department of Education in the
15 same form and formats listed in paragraph (6).

16 (8) Provide disaggregated scores by pupil gender and
17 provide disaggregated scores based on whether pupils are
18 economically disadvantaged or not. These disaggregated
19 scores shall be in the same form and formats as listed in
20 paragraph (6). In any one year, the disaggregation shall
21 entail information already being collected by school
22 districts, county offices of education, or charter schools.

23 (9) *Commencing in the 1998–99 school year, and each*
24 *year thereafter, make available, for purchase by school*
25 *districts, a customized reading list for each individual*
26 *pupil in grades 2 to 11, inclusive, at the same time that test*
27 *scores are reported to the parent or guardian pursuant to*
28 *paragraph (5). This customized reading list shall include*
29 *titles of literature that will allow the pupil to practice*
30 *reading at his or her current reading level and that will*
31 *assist the pupil in achieving a higher level of reading*
32 *proficiency. Any title included in the customized list shall*
33 *meet the requirements of Article 3 (commencing with*
34 *Section 60040) of Chapter 1. By imposing these*
35 *requirements on publishers it is not the intent of the*
36 *Legislature to unfairly disadvantage any publisher who*
37 *has otherwise met the requirements of this section or of*
38 *Article 3 (commencing with Section 60040).*

39 (10) Provide information listed in paragraphs (6), (7),
40 ~~and~~ (8), and (9) to the State Board of Education and to

1 the recipients listed in paragraph (6), in hard copy and
2 in an electronic medium compatible for access through
3 the Internet. *In addition, the list of titles made available*
4 *pursuant to paragraph (9) shall also be made available on*
5 *the Internet, with an index that correlates reading scores*
6 *on the STAR test to titles on the reading list that would*
7 *be suitable for pupils in each of grades 2 to 11, inclusive.*

8 (b) It is the intent of the Legislature that the publisher
9 work with the Superintendent of Public Instruction and
10 the State Board of Education in developing a
11 methodology to disaggregate statewide scores as
12 required in paragraphs (7) and (8) of subdivision (a), and
13 in determining which variable indicated on the STAR
14 testing document shall serve as a proxy for “economically
15 disadvantaged” status pursuant to paragraph (8).

16 (c) Access to any information about individual pupils
17 or their families shall be granted to the publisher only for
18 purposes of correctly associating test results with the
19 pupils who produced those results or for reporting and
20 disaggregating test results as required by this section.
21 School districts are prohibited from excluding a pupil
22 from the test if a parent or parents decline to disclose
23 income. Nothing in this chapter shall be construed to
24 abridge or deny rights to confidentiality contained in the
25 Family Educational Rights and Privacy Act of 1974 (20
26 U.S.C. Sec. 1232g) or other applicable provisions of state
27 and federal law that protect the confidentiality of
28 information collected by educational institutions.

29 (d) Notwithstanding any other provision of law, the
30 publisher of the achievement test designated pursuant to
31 Section 60642 shall comply with all of the conditions and
32 requirements enumerated in subdivision (a) to the
33 satisfaction of the State Board of Education.

34 (e) (1) The State Department of Education is hereby
35 authorized to develop a standard agreement, subject to
36 the approval of the State Board of Education, that all
37 school districts and the test publisher shall be required to
38 use. The agreement shall contain provisions for
39 withholding full or partial payments for individual
40 components of test administration, including, but not

1 limited to, test development, publication, administration,
2 scoring, test security, data aggregation, analysis,
3 reporting, or electronic transmission. The standard
4 agreement shall specify the exact reports and data files
5 that are to be provided to the district by the publisher,
6 and the number of copies of each report or file to be
7 provided. The State Department of Education shall also
8 specify in the standard agreement that all reports and
9 files must be certified by the district as complete and
10 accurate before final payment to the publisher from the
11 district. The State Department of Education shall specify
12 in the standard agreement that final payments or portions
13 thereof by school districts or any agent of the State of
14 California shall be withheld until the Superintendent of
15 Public Instruction notifies all school districts that the test
16 administration is completed for the academic year and
17 the State Board of Education has made a determination
18 pursuant to paragraph (2) or (3). The Superintendent of
19 Public Instruction shall notify school districts as required
20 by this subdivision within seven work days after receiving
21 instruction from the State Board of Education.

22 (2) If satisfied that the publisher has met the
23 requirements of subdivision (a), and that the State
24 Department of Education and the State Board of
25 Education have received complete statewide data, to the
26 satisfaction of the board, reported in the manner
27 prescribed by this section, the State Board of Education
28 shall determine that all school districts may make final
29 payments to the publisher.

30 (3) If the State Board of Education is not satisfied that
31 the publisher has met all of the requirements of
32 subdivision (a) or any of the individual components of
33 test administration, the board may authorize partial
34 payment. The State Board of Education may adopt
35 regulations establishing a process for partial payments to
36 the test publisher by school districts.

37 (f) The State Board of Education shall consider the
38 performance of publishers no later than July 31 following
39 the test administration for purposes of making
40 appropriate determinations pursuant to the standard

1 agreement authorized pursuant to this section. Any
2 failure of the test publisher to meet the terms of the
3 standard agreement or other requirements of this section
4 that is caused by a school district's failure to fulfill its
5 obligations shall not be deemed cause for a determination
6 adverse to the test publisher under this subdivision.

7 SEC. 4. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or
9 safety within the meaning of Article IV of the
10 Constitution and shall go into immediate effect. The facts
11 constituting the necessity are:

12 To improve the reading skills of California's public
13 school pupils as expeditiously as possible, it is necessary
14 that this measure take effect immediately.

